

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE MARCH 27, 2006

**SENATE BILL**

**No. 1618**

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**Introduced by Senator McClintock**

February 24, 2006

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An act to amend Sections 21070, 21071, and 21072 of, and to amend the heading of Article 74 (*commencing with Section 21070*) of Chapter 1.5 of Part 3 of Division 2 of, the Public Contract Code, relating to local agency contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1618, as amended, McClintock. Local agency contracts.

Existing law prescribes procedures for contracting for cities, counties, special districts, and any other agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Existing law establishes procedures by which these entities may take immediate action in the event of an emergency, to obtain equipment, services, and supplies for emergency purposes, without giving notice for bids to let contracts.

Existing law authorizes the Ventura County Flood Control District to perform emergency work by negotiated contract without advertising for bids, if specified procedures are followed.

This bill would change the name of the Ventura County Flood Control District to the Ventura County Watershed District and would authorize that district to perform emergency work by negotiated contract without advertising for bids ~~or requiring bonds~~ if specified

procedures are followed. This bill would also make technical conforming amendments.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The heading of Article 74 (commencing with  
2 Section 21070) of Chapter 1.5 of Part 3 of Division 2 of the  
3 Public Contract Code is amended to read:

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5 Article 74. Ventura County Watershed Protection District

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7 SEC. 2. Section 21070 of the Public Contract Code is  
8 amended to read:

9 21070. The provisions of this article shall apply to contracts  
10 by the Ventura County Watershed Protection District, as  
11 provided for in Chapter 44 of the Statutes of the 1944 Fourth  
12 Extra Extraordinary Session.

13 SEC. 3. Section 21071 of the Public Contract Code is  
14 amended to read:

15 21071. (a) All contracts for any improvement or unit of work  
16 except as hereinafter provided estimated to cost in excess of ten  
17 thousand dollars (\$10,000) shall be let to the lowest responsible  
18 bidder in the manner hereinafter provided. The board of  
19 supervisors of the district shall advertise by three insertions in a  
20 daily newspaper of general circulation or two insertions in a  
21 weekly newspaper of general circulation printed and published in  
22 the district inviting sealed proposals for the construction of, the  
23 improvement or work before any contract shall be made therefor,  
24 and may let by contract separately any part of the work or  
25 improvement. The board shall require the successful bidder to  
26 file with the board good and sufficient bonds to be approved by  
27 the board conditioned upon the faithful performance of the  
28 contract and upon the payment of their claims for labor and  
29 material in connection therewith, such bonds to contain the terms  
30 and conditions set forth in Chapter 7 (commencing with Section  
31 3247) of Title 5 of Part 4 of the Civil Code and to be subject to  
32 the provisions of that chapter. The board shall also have the right  
33 to reject any and all bids. In the event all proposals are rejected

1 or no proposals are received pursuant to advertisement therefor,  
2 or where the estimated cost of such work does not exceed the  
3 sum of ten thousand dollars (\$10,000), or the work consists of  
4 channel protection, or maintenance work, or emergency work  
5 when necessary in order to protect life and property from  
6 impending flood damage, the board of supervisors may, without  
7 advertising for bids ~~and without the bonds therefor~~, have the  
8 work done by force account or negotiated contract.

9 (b) The district shall have the power to purchase in the open  
10 market without advertising for bids therefor, materials, supplies,  
11 equipment, and other personal property for use in any work  
12 therewith either under contract or by force account where the  
13 costs thereof do not exceed ten thousand dollars (\$10,000). It  
14 shall be the duty of the purchasing agent of Ventura County, as  
15 the ex officio purchasing agent of the Ventura County Watershed  
16 Protection District, unless otherwise ordered by the board of  
17 supervisors, to purchase for the district all materials, supplies,  
18 equipment, and other personal property necessary to carry out the  
19 purposes of this act, and to engage independent contractors to  
20 perform sundry services for the district, where the aggregate cost  
21 of such work, exclusive of materials to be furnished by the  
22 district, does not exceed ten thousand dollars (\$10,000).

23 (c) The purchasing agent shall make all such purchases and  
24 contracts upon proper requisition therefor, signed by the  
25 engineer-manager of the district, or his or her authorized  
26 representative.

27 (d) If the work consists of the maintenance or alteration of  
28 existing facilities, including electrical, painting, and roofing in  
29 connection therewith, and if the cost of labor and materials for  
30 such work according to the engineer's estimate will exceed five  
31 thousand dollars (\$5,000), and if the work is not of the type of  
32 work referred to in this section, such maintenance and alteration  
33 work shall be performed under a contract or contracts that shall  
34 be let to the lowest responsible bidder or bidders in the manner  
35 described in this section.

36 SEC. 4. Section 21072 of the Public Contract Code is  
37 amended to read:

38 21072. (a) Emergency work may be done by negotiated  
39 contract without advertising for bids or requiring bonds.

- 1 (b) In case of an emergency, if notice for bids to let contracts
- 2 will not be given, the board of supervisors shall comply with
- 3 Chapter 2.5 (commencing with Section 22050).

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